

1 WRIGHT, FINLAY & ZAK, LLP
2 Robin Prema Wright, Esq.
3 Nevada Bar No. 009296
4 Donna M. Osborn, Esq.
5 Nevada Bar No. 006527
6 5532 South Fort Apache Road, Suite 110
7 Las Vegas, NV 89148
(702) 475-7964; Fax: (702) 946-1345
dosborn@wrightlegal.net
Attorneys for Defendants,
Wells Fargo Bank, NA and Mortgage Electronic Registration Systems, Inc.

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 DENNIS E. SCARBERRY,

Case No.: 2:12-cv-00128-KJD-CWH

11 Plaintiff,

12 vs.

13 FIDELITY MORTGAGE OF NEW YORK, a
14 Division of Delta Funding Corp.; OCWEN
15 LOAN SERVICING COMPANY, LLC;
16 MORTGAGE ELECTRONIC
17 REGISTRATION SYSTEMS (herein MERS);
18 WESTERN PROGRESSIVE, LLC; HSBC
19 BANK USA, N.A.; CAL-WESTERN
20 RECONVEYANCE CORP.; WELLS FARGO
21 BANK, NA; RENAISSANCE MORTGAGE
22 ACCEPTANCE CORPORATION; LSI TITLE
23 AGENCY INC, and DOES 1-50, inclusive.

Defendants.

ORDER GRANTING DEFENDANTS,
WELLS FARGO BANK, N.A. AND
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC'S,
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT AND MOTION TO
EXPUNGE LIS PENDENS

24 Pending before the Court, Defendants', WELLS FARGO BANK, N.A. (hereinafter
25 "Wells Fargo") and Mortgage Electronic Registration Systems, Inc. (hereinafter "MERS"),
26 Motion to Dismiss Plaintiff's Complaint (Docket No. 8) and Motion to Expunge Lis Pendens
27 (Docket No. 9), the Court having reviewed the pleadings and papers on file, the Court having
28 Notice that Plaintiff has failed to file a response to Defendants' Motion to Dismiss and

1 Defendants' Motion to Expunge Lis Pendens, the Court being fully advised in the premises, and
2 good cause appearing therefore:

3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Motion to
4 Dismiss is granted and the Complaint is hereby dismissed with prejudice pursuant to F.R.C.P.
5 12(b)(6) for failure to state a claim upon which relief can be granted.

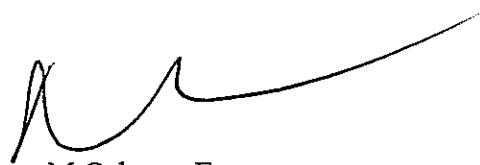
6 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that any Pendency of
7 Action or Lis Pendens recorded by the Plaintiff on December 15, 2011 as Document No.
8 201112150000389 in the Official Records of the Clark County, Nevada in association with this
9 action on the subject property at 3005 Milton Place, N. Las Vegas, Nevada 89032, APN: 139-08-
10 112-021; more particularly described as follows:

11 LOT SIXTY THREE (63) IN BLOCK TWO (2) OF CASA LINDA UNIT 12A, AS
12 SHOWN BY MAP THEREOF ON FILE IN BOOK 49 OF PLATS, PAGE 24, IN THE
13 OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

14 is hereby cancelled, and this cancellation shall have the effect of an expungement of it
15 pursuant to NRS 14.015 and it shall have from this day forward have no force or effect.

16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that pursuant to NRS
17 14.015(5), Plaintiff shall record a copy of this Order or other appropriate notice) cancelling the
18 Notices of Pendency of Action or Lis Pendens, with the Clark County Recorder's Office within
19 five business days of its entry, and if there is a failure to do so, any party may record a copy of
20 this Order.

21 Dated: February 14, 2012.

22 
23 /s/Donna M Osborn, Esq.

24 Donna M. Osborn, Esq.

25 Nevada Bar No. 6527

26 5532 South Fort Apache Road, Suite 110
27 Las Vegas, NV 89148

28 *Attorney for Defendants, Wells Fargo Bank, NA and
Mortgage Electronic Registration Systems, Inc.*